

REMARKS

The requirement for restriction interposed in the present application independent and distinct the claims into two purportedly separate inventions: Group I (claims 2-4) and Group II (claims 5-9).

Provisional Election With Traverse

Applicant provisionally elects to prosecute the Group I claims, claims 2-4, with traverse, and without prejudice to prosecuting the Group II claims, claims 5-9, in the present application or in a later application.

The Restriction Requirement Is Improper

Applicant respectfully submits that the stated reason for the restriction requirement, that “Claims 2-5, drawn to a magazine bay assembly, classified in class 369, subclass 30.78” and “Claims 5-9, drawn to a drive bay, classified in class 369, subclass 30.73” is incorrect and misapprehends the claimed invention.

Claims 2-9 are dependent on generic claim 1 and hence include expressly each element recited in the its base claim, generic claim 1, “the claims to the species which can be included in a case in addition to a single species must contain all the limitations of the generic claim” MPEP 806.04(d). Generic claim 1 recites “...the operator alterable space comprises a library mounting structure for receiving a module...”. Claims 2-4 recite features directed to a magazine bay assembly module and claims 5-9 recite features directed to a drive bay assembly module. The subcombinations, Group I and II, are not independent and distinct inventions because one embodiment of receiving a module of claim 1 is the magazine bay assembly module of claims 2-4 and an alternative embodiment is the drive bay assembly module.

Thus, Applicant respectfully submits that the basis for the restriction requirement is erroneous, and that no showing has been made that the subcombinations are separately useable and therefore distinct from each other. MPEP 806.05(d)

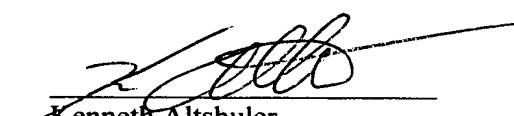
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Authorization To Charge Necessary Fees

While no fee is believed due with this submission, the Commissioner is hereby authorized to charge any necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-0289.

Respectfully submitted,

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Kenneth Altshuler
Reg. No. 50,551

Correspondence Address

WALL MARJAMA & BILINSKI LLP
101 South Salina Street, Suite 400
Syracuse, New York 13202
Telephone: (315) 425-9000
Facsimile: (315) 425-9114

Customer No.: 20874

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